

or encoding SEQ ID NO:2, classified in class 536, subclass 23.5. Accordingly, claims 4-12 have been canceled herein without prejudice and without disclaimer as being drawn to non-elected inventions.

Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

### **III. Status of the Claims**

Claims 4-12, representing the Groups II-VIII inventions, have been canceled without prejudice and without disclaimer as being drawn to non-elected inventions. No claims of the Group I invention have been canceled. Claim 2 has been amended. Claims 13 and 14 have been added. Applicants submit that Claims 13 and 14 are properly classified into the Restriction Group I and classified in class 536, subclass 23.5.

Claims 1-3 and 13-14 are therefore presently pending in the case. For the convenience of the Examiner, a clean copy of the pending claims is attached hereto as **Exhibit A**. In compliance with 37 C.F.R. § 1.121(c)(1)(ii), a marked up copy of the original claims is attached hereto as **Exhibit B**.

### **IV. Support for the Amended and Newly Added Claims**

Claim 2 has been amended to recite that the stringent hybridization conditions are highly stringent hybridization conditions. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least at page 4, line 29-page 5, line 2.

Claim 13 has been added to specifically recite recombinant expression vectors comprising the isolated nucleic acid molecule of claim 1. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least at page 13, line 32-page 14, line 3.

Claim 14 has been added to specifically recite host cells comprising the recombinant expression vectors of claim 13. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least at page 14, lines 3-9.

It will be understood that no new matter is included within the amended or newly added claims and therefore Applicants respectfully request entry of the same.

**V. Inventorship**

Following election of claims in response to the Restriction Requirement, inventorship may require amendment in compliance with 37 C.F.R. § 1.48(b). Applicant respectfully requests amendment of inventorship under 37 C.F.R. § 1.48(b) and 148(b)1 in order to remove the inventors of the non-elected claims since their invention is no longer being claimed in the present application as amended. The inventors *that are requested to be removed* as a result of the cancellation of the non-elected claims in this response to the restriction requirement are Yi Hu and James A. Kieke. The inventors of the remaining claims are therefore, Gregory Donoho, John Scoville, Brian Zambrowicz, Emily Cullinan, C. Alexander Turner, Jr., and D. Wade Walke. The PTO is authorized to charge the fee required under 37 C.F.R. § 1.17(i) for this Amendment and Request to Correct Inventorship in a non-provisional application under 37 C.F.R. § 1.48(b) to Deposit Account No. 50-0892. Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

**VI. Conclusion**

The present document is a complete response to the Restriction and Election Requirement and an Amendment and Request to Correct Inventorship following the Election of Group I. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

**Exhibit A**

**Clean Version of The Pending Claims in U.S. Patent Application Ser. No. 09/800,103**

1. An isolated nucleic acid molecule comprising at least 24 contiguous bases of nucleotide sequence first disclosed in SEQ ID NO: 1.
- 2.(Amended) An isolated nucleic acid molecule comprising a nucleotide sequence that:
  - (a) encodes the amino acid sequence shown in SEQ ID NO: 2; and
  - (b) hybridizes under highly stringent conditions to the nucleotide sequence of SEQ ID NO:1 or the complement thereof.
3. An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO: 2.
- 13.(New) A recombinant expression vector comprising the isolated nucleic acid molecule of claim 1.
- 14.(New) A host cell comprising the recombinant expression vector of claim 13.